

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

PERNIS JOHNSON,

Plaintiff,

v.

Case No. 2:06-cv-8
HON. ROBERT HOLMES BELL

ROGER TRIPP, et al.,

Defendants.

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OPINION AND ORDER APPROVING MAGISTRATE JUDGE'S

REPORT AND RECOMMENDATION

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties. The Court has received objections from the plaintiff. In accordance with 28 U.S.C. § 636(b)(1), the Court has performed *de novo* consideration of those portions of the Report and Recommendation to which objection has been made. The Court now finds the objections to be without merit.

Plaintiff has failed to establish any violations of his Eighth Amendment rights by the named defendants. Plaintiff has failed to show that a genuine issue of fact exists on his claims. Accordingly, summary judgment is proper. Plaintiff has filed a motion for leave to file an amended complaint to add new claims against new parties. Plaintiff's motion (Docket #34) will be denied.

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge is approved and adopted as the opinion of the court.

Date: August 20, 2007

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
CHIEF UNITED STATES DISTRICT JUDGE